

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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MOURAD ROSHDI,

Plaintiff,

CIVIL ACTION NO.:

v.

NOTICE OF REMOVAL

STEPHEN A. WABUNOHA, ROADRUNNER
TRANSPORTATION SERVICES, INC. and JOHN
DOES 1-10 (said names being fictitious),

Defendant(s).

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TO: Frank A. Tobias, Esq.
Nash and Tobias, LLC
1107 Convery Boulevard, Rt. 35 South
Perth Amboy, New Jersey 08861

PLEASE TAKE NOTICE, that on this date defendants STEPHEN A. WABUNOHA and ROADRUNNER TRANSPORTATION SERVICES, INC. by their undersigned counsel, have filed this Notice of Removal pursuant to 28 U.S.C. §1446(a), in the office of the Clerk of the United States District Court for the District of New Jersey, show:

1. Plaintiff MOURAD ROSHDI brought a lawsuit against the defendants STEPHEN A. WABUNOHA and ROADRUNNER TRANSPORTATION SERVICES, INC. (and fictitious named defendants) by filing a First Amended Complaint and Jury Demand in the Superior Court of the State of New Jersey, Law Division, Middlesex County on or about October 7, 2011 as a result of an alleged accident which occurred on or about June 26, 2010.¹ A copy of the First Amended Complaint is annexed hereto as Ex. A.

2. The Summons and Complaint and First Amended Complaint were not received by defendant STEPHEN A. WABUNOHA to date.

3. The Summons and Complaint and First Amended Complaint were received by defendant ROADRUNNER TRANSPORTATION SERVICES, INC. on or about October 30, 2012. A copy of the Summons is annexed hereto as Ex. C.

¹The initial Complaint was filed on July 26, 2011 (Ex. B).

4. This office filed a Motion to dismiss the plaintiff's Complaint which was returnable on November 16, 2012 in the Superior Court, Middlesex County. A decision has not yet been rendered on the Motion. The plaintiff filed a Motion to restore the litigation to the active trial calendar, which Motion is returnable in the Superior Court, Middlesex County on December 7, 2012.² There have been no other proceedings in this action.

5. According to the plaintiff's First Amended complaint (Ex. A), the plaintiff purports to be a citizen and resident of the State of New Jersey, residing in Sayreville, Middlesex County.

6. Defendant STEPHEN A. WABUNOHA is a citizen and resident of the State of North Carolina, residing in Goldsboro, County of Wayne.

7. Defendant ROADRUNNER TRANSPORTATION SERVICES, INC. is a citizen and resident of the State of North Carolina, residing in Charlotte, County of Mecklenburg.

8. In the First Count, 4th paragraph and Second Count, 3rd paragraph of the plaintiff's First Amended Complaint, plaintiff MOURAD ROSHDI alleged that, as a result of the subject accident, he suffered serious temporary and permanent injuries and suffered past, present and will suffer future pain and suffering and will require medical care and will expend diverse sums of money for his treatment and cure, and has in the past and will in the future, be prevented from attending to his normal activities, and suffered considerable pain, anguish and suffering, shock, loss of wages and other special damages. *Please see* Ex. A.

9. Based upon the language set forth in the plaintiff's Complaint, the matter in controversy exceeds \$75,000, exclusive of interest and costs. *Please see* Ex. A.

10. Jurisdiction over the subject matter of this action is conferred on this Court by 28 U.S.C. §1441(a).

11. Jurisdiction in this Court is proper pursuant to 28 U.S.C. §1332 and 28 U.S.C. §1441 in that the parties are of complete diversity of citizenship and the amount in controversy exceeds \$75,000 exclusive of interest and costs.

12. This Notice is filed with this Court within 30 days of defendant's receipt "through

²The case was administratively dismissed in the Superior Court, Middlesex County as the plaintiff did not serve the defendants with the summons and complaint timely.

service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based,” as provided by 28 USC §1446(b).

PLEASE TAKE FURTHER NOTICE, that the defendants, upon filing the Notice of Removal in the office of the Clerk of the United States District Court for the District of New Jersey, have also filed copies of the Notice with the Clerk of the Superior Court of New Jersey, Law Division, Middlesex County Courthouse, 1 JFK Square, P.O. Box 964, New Brunswick, New Jersey 08903-0964, to effect removal of this action to the United States District Court pursuant to 28 U.S.C. §1446(b).

Dated: November 16, 2012

LAW OFFICES OF LORNE M. REITER, LLC
Attorneys for defendants
STEPHEN A. WABUNOHA and ROADRUNNER
TRANSPORTATION SERVICES, INC.

BY:



LORNE M. REITER, ESQ.